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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/876,702 | 06/07/2001 | Ramesh Keshavaraj | 2178A | 1071 |

7590 01/02/2003
Milliken & Company
P.O. Box 1926
Spartanburg, SC 29304

EXAMINER

SINGH, ARTI R

| ART UNIT | PAPER NUMBER |
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1771

DATE MAILED: 01/02/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

AS-5

Office Action Summary

Application No.

09/876,702

Applicant(s)

KESHAVARAJ, RAMESH

Examiner

Ms. Arti R. Singh

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 July 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. The Examiner has carefully considered Applicant's accompanying remarks filed on 07/15/02 as paper number 4. The previous office action contained only one rejection, that is a Double Patenting rejection (provisional) over copending Application 09/828081, to which applicant too contends that the aforesaid application is copending and co-owned. However, Applicant has decided not to submit a Terminal Disclaimer at this time, until the claims are deemed allowable. The Examiner, at this stage in the prosecution does not believe that the claims are allowable, and thus, the provisional double patenting rejection made over current claims 1-4 shall be maintained. This rejection can only be withdrawn with the submission of a Terminal Disclaimer, and then perhaps the claims may be allowable.

Specification

2. The disclosure is objected to because of the following informalities: At the beginning of the Specification (page 1) under the heading "Cross Reference To Related Applications", the continuity data needs to be updated as Application 09/549,284 has matured into USP 6,315,324. Appropriate correction is required.

Claim Objections

3. Claims 2-4 are objected to because of the following informalities: it appears that dependant claims 2-4 depend from claims that do not exist in this application, for example, Claims 2 and 3 are dependant from claim 8 and claim 4 is dependant from claim 7. It appears that these are typographical errors as this application is a divisional of Application 09/549,284, now USPN 6,315,324. Appropriate correction is required. For the purposes of examination the dependant claims will be construed as being dependant from claim 1.

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Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. It is unclear to the Examiner as to what is really being claimed here. In claim 1 it appears that Applicant desires a fabric blank made of a woven fabric upon which a pattern of airbag and tether panels are arranged in a nesting relation (as if one were to lie a pattern onto a fabric prior to marking and cutting as is done in dress making) wherein the first tether panel is placed in alignment with the warp and the fill and the second tether panel is cut on the bias with respect to the warp and the fill. The second tether panel being positioned along the bias so that once it is cut makes sense. The problem arises with the placement of the first tether panel-how can you place/cut the first tether panel in two different (warp or weft) directions of the same woven fabric? Or are there plural first panels in which one is placed/cut on the warp and the other on the weft? Further, is Applicant claiming the fabric blank prior to being cut (thus appearing simply as patterns laid out on a fabric), or are you claiming the "cut out" air bag panels and tethers, which would no longer make it a blank, and simply appear as variously shaped pieces of cut up fabric? Please elaborate as to what the exact structure is. With regard to dependant claims 2-4, they appear to be the generic structure of a tether panel, and are objected to as being dependent upon a rejected base claim.

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6. Any inquiry regarding this communication or earlier communications from the Examiner should be directed to Arti Singh, whose telephone number is (703) 305-0291. The Examiner can normally be reached Monday through Friday from 8 AM to 5 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor Mr. Terrel Morris, can be reached at (703) 308-2414. A Facsimile center has been established in Group 1700 on the 8th floor of Crystal Plaza 3. The hours of operation are Monday through Friday 8:45 AM to 4:45 PM. The telecopier number for accessing the facsimile machine is (703) 305-5408. This location should be used in all instances when faxing any correspondence to Art Unit 1771. Use of the Group 1700 center will facilitate rapid delivery of materials to Examiners in Art Unit 1771.

Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 308-2351.



Ms. Arti Singh
Patent Examiner
Art Unit 1771
December 27, 2002